

STATE OF IOWA DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURES		Policy Number IO-SC-22	Applicability <input checked="" type="checkbox"/> DOC <input type="checkbox"/> CBC
		Policy Code Confidential	Iowa Code Reference 904.108
Chapter 3 INSTITUTIONAL OPERATIONS	Sub Chapter SECURITY & CONTROL	Related DOC Policies PREA-02, IO-SC-12, PREA-03, HSP-305, HSP-628	Administrative Code Reference N/A
Subject EVIDENCE HANDLING/CONTRABAND CONTROL		ACA Standards 4-4207 4-4282 PREA Standards 115.21(a)-(c)	Responsibility Jean Schlichtemeier
		Effective Date June 2015	Authority Jerry Bartruff Director Signature on file at Iowa DOC

I. PURPOSE

To outline procedures and provide guidelines to Iowa Department of Corrections (IDOC) staff on the collection and preservation of evidence.

II. POLICY

It is the policy of the IDOC to provide for secure and legal collection, storage, preservation and disposal of all evidence held.

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III. DEFINITIONS – As used in this document:

- A. Authorized investigator - Trained investigator assigned to the case by the Warden/Superintendent or designee for internal investigations and assigned by the Administrator of the Division of Investigative Services (DIS) for external investigations.
- B. Contraband - Items which are not specifically authorized by the Warden/Superintendent.
- C. Dangerous Contraband – The term includes, but is not limited to, altering of authorized property (such as razors) for purposes of a weapon; diagrams, directions, drawings for explosive devices, or other weapons; a firearm, knife, bludgeon or other weapon, device, instrument, material, or substance, whether animate or inanimate, which is readily capable of causing or inducing fear of death or serious physical injury, or any flammable substance or incendiary device.
- D. Evidence - Any item that would assist in resolving whether suspect has committed a crime or violated rules or regulations. Any proof such as of witnesses, records, documents, exhibits, concrete objects, etc.
- E. See IDOC Policy **AD-GA-16** for additional Definitions.

IV. PROCEDURES

The protection of life and wellbeing of individuals and property should be the primary focus in any critical incident. Once the incident has been controlled, responding officers shall protect the integrity of the evidence by securing the scene, guarding the chain of custody and awaiting instructions on collection of evidence.

An authorized investigator or designee shall make the determination of what materials shall be considered evidence. Evidence shall be properly marked, packaged and labeled.

- A. Scene Security

Once the situation is controlled and any medical issues have been resolved, the scene shall be secured and controlled to insure the integrity of any evidence is not compromised.

[REDACTED]

[REDACTED]

[REDACTED]

B. General Evidence for Collection

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

9. In cases of suspected sexual assault:

- a. Follow the established uniform evidence protocol that maximizes the potential for obtaining usable physical evidence for administrative proceedings and criminal prosecutions. The protocol shall be developmentally appropriate for youth where applicable, and as appropriate, shall be adapted from or

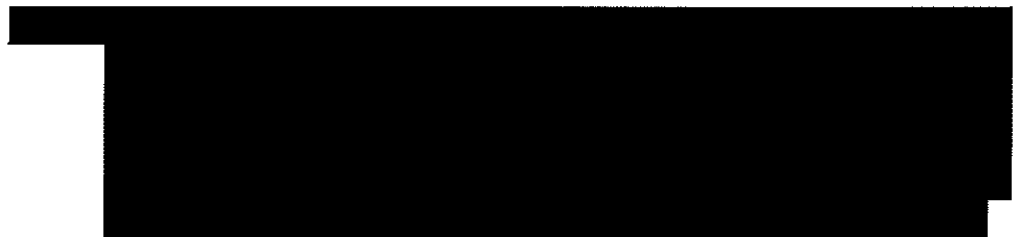
otherwise based on the most recent edition of the U.S. Department of Justice's Office on Violence Against Women publication, "A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents," or similarly comprehensive and authoritative protocols developed after 2011. **(PREA 115.21(a)(b))**

- b. The institution shall offer all victims of sexual assault access to forensic medical examinations at an outside medical facility, without financial cost, where evidentiarily or medically appropriate. Such examinations shall be performed by Sexual Assault Forensic Examiners (SAFEs) or Sexual Assault Nurse Examiners (SANEs) where possible. If SAFEs or SANEs cannot be made available, the examination can be performed by other qualified medical practitioners at the outside medical facility. The institution shall document its efforts to provide SAFEs or SANEs. **(PREA 115.21(c))**
- c. If the alleged assault has occurred within the previous 72 hours and the description of the incident indicates that DNA evidence may be available, or other circumstances dictate:
 - i. The alleged offender victim shall be promptly examined by Health Services. In addition to required medical care, Health Services, a security officer, or the PREA investigator shall photograph all injuries, other than injuries to personal or private areas of the body, and Health Services shall note the same in Medical ICON.
 - ii. If allegations indicating the likely presence of DNA or penetration are reported, the offender victim shall be transported to an outside healthcare facility to receive a sexual assault examination by a qualified health care professional trained and experienced in sexual assault examinations for collection of forensic evidence. However, if the offender refuses a sexual assault examination, a Treatment Refusal Form shall be obtained and signed by the offender. See IDOC Policies **HSP-628**, Offender Sexual Assault Health Services Responsibilities and **HSP-305**, Refusal of Treatment.
- d. If it is determined that the offender victim is still wearing the same clothing worn at the time of an alleged sexual assault, or has not bathed since the alleged assault:

- i. The offender shall be strip searched at Health Services. See IDOC Policy **IO-SC-12**, Escorted Trips.
 - ii. Clothing that is still being worn should be removed while the offender is standing on a large piece of clean paper. The clothing should be dropped straight down onto the paper, wrapped in the paper, one piece of clothing per paper. The clothing shall be bagged in paper bags, one item of clothing per bag; take care not to touch or disturb areas of the clothing that may contain DNA evidence;
 - iii. Initiate a written chain of custody, including but not limited to, the offender's name and number, date, time, who took the clothing, who bagged the clothing, and a description of where DNA may be located on the article of clothing.
 - iv. Follow institution procedures for the bags of clothing to be placed in the institution's evidence storage. (**PREA 115.21(a)**)
 - v. The circumstances surrounding the allegation may be discussed with the DIS Administrator prior to transport if it is believed that said circumstances may make the sexual assault examination unnecessary.
- e. The Shift Supervisor shall assure that:
- i. All related logs, rosters and other pertinent documentation are immediately copied, placed in evidence storage and chain of custody established.
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- f. See IDOC Policies **PREA-02**, Staff, Contractor, or Volunteer Sexual Misconduct/Harassment/Retaliation with Offenders, and **PREA-03**, Staff Response to Offender on Offender Sexual Violence or Retaliation for additional responsibilities in cases of sexual assault and sexual abuse.

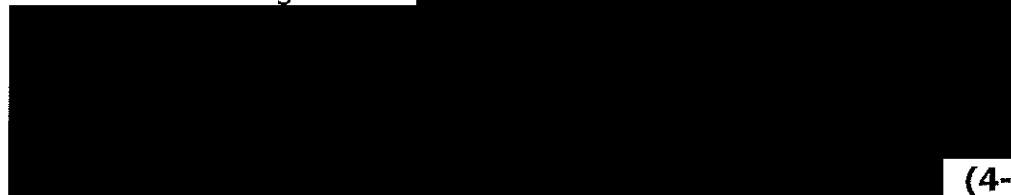
C. Collection of Evidence

1. To properly collect evidence, staff shall:
 - a. Use sterile gloves and change as needed.
 - b. Use sterile swabs, papers, solutions and tools.
 - c. Package and label evidence in individual envelopes following chain of custody guidelines.
 - d. Avoid touching the area where potential DNA evidence may exist.
 - e. Avoid talking, sneezing and coughing over evidence.
 - f. Air-dry all biological evidence before packaging.
 - g. Put biological soiled-item evidence into new paper bags or envelopes, not plastic, and properly label each bag. Each item shall be bagged separately to prevent cross contamination.
 - h. Place drugs and other dry substances in plastic bags or containers.
 - i. Package weapons or other potentially dangerous evidence in a manner to limit possible injury to individuals handling evidence.



- k. Deposit the evidence in the appropriate department approved evidence repository immediately. Complete all required documentation for chains of custody, including but not limited to, the offender's name and number, date, time, who gathered the evidence, who bagged it, and a description of where DNA evidence may be located on the item.

- I. The authorized investigator will determine if the evidence will be processed through the DCI lab or go to other agencies.
2. Any evidence or property seized in connection with an incident which may be used in a criminal proceeding shall be subject to preservation and chain of custody procedures established in cooperation with local law enforcement agencies.



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D. Disposition of Evidence

1. Each institution shall determine storage area/evidence repository, chain of custody procedures and disposal of evidence procedures.
2. Each institution shall provide training on collection, chain of custody, storage and preservation of evidence.
3. Annual reviews of evidence handling shall be a section of the institution's annual security audit.
4. Evidence must be maintained until disposal is authorized by the DIS for external investigations and by the Warden/Superintendent or designee for internal investigations.
5. All processed Sexual Assault Kits will be stored by the DIS at Central Office for a minimum of ten years from the date of the alleged incident.

E. Disposition of Contraband

1. Disposition of contraband is a critical function that starts with logging the discovery of contraband and filing a disciplinary notice, when applicable. A secure storage area shall be identified, and methods developed for ensuring the proper chain of evidence is maintained.
2. The Associate Warden/Security shall establish procedures for the secure storage or destruction of all contraband. When the contraband consists of controlled substances or may be evidence in a criminal matter, the Associate Warden/Security shall establish a chain of

custody and either release it to proper law enforcement authorities for prosecution or release to the Division of Investigative Services.

3. All contraband items shall be lawfully and safely disposed of according to procedures developed locally by the Warden/Superintendent and Associate Warden/Security. Proper records shall be maintained of all property disposition or destruction; this is particularly important with respect to drugs and other items that are illegal. [REDACTED]
4. Disposition of contraband that is evidence in an investigation shall be handled as stated above.
5. Money and other valuables identifiable with a specific offender shall be maintained in a way that preserves a chain of custody. **(4-4207)**